

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Amanda Harouche	Team: Team # 1	CCRB Case #: 201405647	<input type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input checked="" type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Thursday, 06/05/2014 6:00 AM	Location of Incident: § 87(2)(b)	Precinct: 25	18 Mo. SOL 12/5/2015	EO SOL 12/5/2015	
Date/Time CV Reported Mon, 06/09/2014 12:11 PM	CV Reported At: CCRB	How CV Reported: Phone	Date/Time Received at CCRB Mon, 06/09/2014 12:11 PM		

Complainant/Victim	Type	Home Address
§ 87(2)(b)	§ 87(2)(b)	§ 87(2)(b)
§ 87(2)(b)	§ 87(2)(b)	§ 87(2)(b)
§ 87(2)(b)	§ 87(2)(b)	§ 87(2)(b)

Witness(es)	Home Address
§ 87(2)(b)	§ 87(2)(b)

Subject Officer(s)	Shield	TaxID	Command
1. Officers			ESS 02
2. SGT Shane Killilea	03372	927030	PSA 5
3. DTS Michael Dazi	06665	932543	ESS 02

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. POM Joan Ferreira	07431	941746	PSA 5
2. DTS Anthony Selvaggi	06194	923156	ESS 02
3. LT Christophe Popovic	00000	920717	PSA 5

Officer(s)	Allegation	Investigator Recommendation
A. Officers	Abuse: Officers entered and searched § 87(2)(b) in Manhattan.	§ 87(2)(b)
B.DTS Michael Dazi	Off. Language: Det. Michael Dazi made remarks to § 87(2)(b) based upon the sex of § 87(2)(b)	§ 87(2)(b)
C.SGT Shane Killilea	Abuse: Sgt. Shane Killilea refused to show a search warrant to § 87(2)(b)	§ 87(2)(b)
D.SGT Shane Killilea	Abuse: Sgt. Shane Killilea refused to show a search warrant to § 87(2)(b)	§ 87(2)(b)

Case Summary

On June 5, 2014, at 6:00 a.m., Emergency Services Unit Squad #2 entered § 87(2)(b), in Manhattan, to execute search warrant # § 87(2)(b) which was sworn out to PO Joan Ferreira, of PSA5, after an investigation led by Sgt. Shane Killilea, the Field Intelligence Officer of PSA5 (**Allegation A**). While inside the apartment and trying to get § 87(2)(b) to comply with being handcuffed, Det. Michael Dazi, of Emergency Services Unit Squad #2, allegedly told § 87(2)(b) to, “Get on the bed little bitch (**Allegation B**).” After the apartment was secured and all inhabitants were handcuffed by ESU officers, the ESU officers exited the apartment and PSA5 officers entered the apartment and searched it (**Allegation A continued**). While inside the apartment, Sgt. Killilea allegedly refused to show a search warrant to § 87(2)(b) (**Allegation C**) and § 87(2)(b) (**Allegation D**). § 87(2)(b) was arrested as a result of this incident. § 87(2)(b) [§§ 86(1)(3)&(4)] [§ 87(2)(c)]

Mediation, Notice of Claim, and Criminal Histories

This case was not eligible for mediation. As of December 24, 2014, no Notice of Claim has been filed in regards to this incident (encl. 17a). § 87(2)(b) [§§ 86(1)(3)&(4)] [§ 87(2)(c)]

Civilian and Officer CCRB Histories

- § 87(2)(b) has filed the following CCRB complaint (encl. 2c):
 - § 87(2)(b)
- This is the first CCRB complaint filed by § 87(2)(b) and § 87(2)(b) (encl. 2d, 2e).
- Sgt. Killilea has been a member of the service for 14 years and there are two substantiated CCRB allegations against him in one case (encl. 2b).
 - In case 200301499 two allegations of issuing a retaliatory summons were substantiated against him, he pled guilty, and he lost seven vacation days.
- Det. Dazi has been a member of the service for seven years and there is one substantiated CCRB allegation against him (encl. 2a).
 - In case 200914237 a discourteous action allegation was substantiated against him and he received Command Discipline-A.

Findings and Recommendations

Explanation of Subject Officer Identification

§ 87(2)(g)

The Emergency Service Unit Warrant Execution Supplemental Report notes that Det. Selvaggi handcuffed the § 87(2)(b) black female in bedroom three, who was identified by the investigation as being § 87(2)(b). § 87(2)(b) stated that she only spoke to two of the six officers with helmets and shields and large automatic guns entered her room, but the one who used offensive language was the first officer who kicked in the door, who was described as a 6’0” or taller white male who was also holding a bunker (encl. 7a-f). Det. Selvaggi’s partner on the

first entry team was Det. Dazi, and they entered each room as a pair. Det. Dazi, who was carrying the bunker and likely would have breached the door, is a 6'0" tall white male and is taller than Det. Selvaggi who is a 5'10" tall white male. § 87(2)(g)

§ 87(2)(b) and § 87(2)(b) both stated that they asked the officer who left and returned to the apartment to see the warrant (encl. 6a-h, 5a-g). § 87(2)(b) described this officer as a 5'9" tall male with salt and pepper hair whose last name began with "Kill" (encl. 5a-g). Although Sgt. Killilea did not recall leaving and returning to the apartment (encl. 10a-10f), he is the only officer related to this incident that has "kill" in his name, and has grey hair. Additionally, Sgt. Killilea and Lt. Popovic identified Sgt. Killilea as the officer that § 87(2)(b) asked to see the search warrant. § 87(2)(g)

Investigation Findings and Recommendations

Allegation A – Abuse of Authority: Officers entered and searched § 87(2)(b) in Manhattan.

It is undisputed that officers entered and searched § 87(2)(b) on June 5, 2014, pointed their guns upon entry, and the only alleged property damage was in the furtherance of a legitimate law-enforcement objective. § 87(2)(g)

Allegation B – Abuse of Authority: Det. Michael Dazi made remarks to § 87(2)(b) based upon the sex of § 87(2)(b)

§ 87(2)(b) stated that because she was naked, she refused to lay down on her bed to be handcuffed and told the officers to leave her room. She alleged that Det. Dazi jumped on her bed and said "Get on the bed little bitch (encl. 7a)." No other civilians were in the room at the time.

Det. Dazi did not remember interacting with any of the individuals, including § 87(2)(b) in any of the rooms and did not remember what he did in the apartment. He did not recall telling § 87(2)(b) to get onto the bed but stated that he would never tell anyone get on a bed and would only tell people to get on the floor because it is possible that there is something hidden under the bed. Det. Dazi did not say, "Get on the bed little bitch," and did not hear Det. Selvaggi or any other officer say that (encl. 9f-i).

Det. Selvaggi did not remember this incident, entering the apartment, going into any bedrooms or handcuffing any individuals. After viewing that the ESU Supplemental Warrant Report, which indicated that he handcuffed § 87(2)(b) he still did not remember doing so. Det. Selvaggi denied that he or another officer told § 87(2)(b) "Get on the bed little bitch (encl. 9a-e)."

§ 87(2)(g)

Allegation C – Abuse of Authority: Sgt. Shane Killilea refused to show a search warrant to § 87(2)(b)

§ 87(2)(b) stated that as he sat on the couch in his living room with § 87(2)(b) and § 87(2)(b) he asked Sgt. Killilea to show him the warrant, but Sgt. Killilea told him to shut up and never showed him the warrant (encl. 5a-g). § 87(2)(b) stated that she heard § 87(2)(b)

§ 87(2)(b) ask Sgt. Killilea “Well, where is the warrant?” but could not hear the rest of the conversation. However, after the incident, § 87(2)(b) told § 87(2)(b) that Sgt. Killilea showed him a piece of paper in his hand that had § 87(2)(b)'s name on it (encl. 6a-h). § 87(2)(b) stated that Sgt. Killilea showed § 87(2)(b) a picture of § 87(2)(b) with an additional piece of paper behind it and asked him if he was § 87(2)(b) (encl. 8a-f). § 87(2)(b) stated that while sitting on the living room couch, § 87(2)(b) asked “Where’s the warrant?” but she did not know if any officer showed § 87(2)(b) the warrant because she did not pay attention (encl. 7a-f).

Sgt. Killilea stated that while in the living room with the three other females in the apartment, § 87(2)(b) asked him to see the search warrant and he showed it to him and gave him the opportunity to read the search warrant. After seeing the warrant, § 87(2)(b) became upset (encl. 10a-f). Lt. Popovic corroborated that § 87(2)(b) asked Sgt. Killilea to see the warrant and that Sgt. Killilea showed him the warrant (encl. 10g-l).

§ 87(2)(g)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

Allegation D – Abuse of Authority: Sgt. Shane Killilea refused to show a search warrant to

§ 87(2)(b)

§ 87(2)(b) stated that when Sgt. Killilea walked back into the apartment she said to him, “Sir, you said you have a warrant. Where is the warrant?” Sgt. Killilea responded by staring at § 87(2)(b) and did not say anything to her or show her a warrant (encl. 6a-h). § 87(2)(b) had already been taken out of the apartment when this allegedly occurred. § 87(2)(b) and § 87(2)(b) did not mention § 87(2)(b) asking to see the search warrant in their statements (encl. 7a-f, 8a-f).

Sgt. Killilea stated that § 87(2)(b) did not ask him to see the search warrant (encl. 10a-f). Lt. Popovic only remembered a male in the apartment; he did not remember § 87(2)(b) being present in the apartment during this incident or any officer having a conversation with § 87(2)(b) (encl. 10g-l).

§ 87(2)(g)

§ 87(2)(b)

§ 87(2)(b)

Team: _____

Investigator: _____
Signature Print Date

Supervisor: _____
Title/Signature Print Date

Reviewer: _____
Title/Signature Print Date

Reviewer: _____
Title/Signature Print Date